REMARKS

Claims 102-109, 111, 112 and 122-129 are pending, of which claims 102 and 122 are in independent form.

Claims 102 and 122 stand currently amended by way of this response.

No new matter is added hereby.

Applicant appreciates the telephone discussion with Examiner Strange on January 23, 2012 and February 3, 2012. Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the Claim Rejections - 35 U.S.C. §103

Claims 102-104, 106-113, 115-122 and 124-129 stand rejected under 35 U.S.C. §103(a) over the combination of AirMobile Wireless Communication Client for cc:Mail User Guide Version 1.0, Communication Client Guide, 1995 (hereinafter *AirMobile*) and U.S. Patent No. 5,764,899 to Eggleston et al. (hereinafter *Eggleston*). In addition, claims 105 and 123 are rejected under 35 U.S.C. §103(a) over the Server Guide of *AirMobile* in view of the combination of *AirMobile* Client User Guide and *Eggleston* and in further view of U.S. Patent No. 6,289,105 to Murota (hereinafter *Murota*).

The Office Action has commented as follows with respect to

the pending base claims in connection with the §103(a)

rejections:

. . .

> While AirMobile discloses the invention
> substantially as claimed, it fails to specifically
> disclose that the user data items are "continuously
> redirected", regardless of the availability of the
> wireless device.

> Eggleston discloses a similar system for
> redirecting messages to a wireless device. Eggleston
> teaches continuously redirecting data items via a
> virtual session and identifies the procedure for
> removing a client from active status and stop
> attempting to deliver data as a process that is
> *preferably* included in the VSM" (col. 7, ll. 37-40). A
> preferable feature is not required, and one of ordinary
> skill in the art would have understood Eggleston's
> disclosure to mean that the system properly operate,
> albeit less efficiently, with this feature removed.
> Therefore, Eggleston at least suggests a system where
> messages are continuously forwarded, regardless of the
> availability of the client device.

> Therefore, it would have been obvious to one of
> ordinary skill in the art at the time the invention was
> made to continuously forward the data items to the
> mobile device, regardless of the device's availability,
> to ensure the client will be immediately notified of
> outbound data upon its return to availability, without
> requiring the device to login again (Eggleston; col. 7,
> ll. 37-58).

Applicant respectfully submits that the foregoing §103 rejections have been overcome or otherwise rendered moot by the present response. As currently constituted, the claimed embodiments recite the feature of causing to continuously redirect the user data items to a wireless mobile data communication device without establishing a connection session therewith. On the other hand, the system described in the *Eggleston/AirMobile* references necessarily requires establishing a connection session with a mobile client device first for forwarding email messages to the mobile client device, as set forth below in further detail.

1. The *Eggleston/AirMobile* references teach a virtual session based communication architecture that necessitates a connection with the mobile client.

In *Eggleston*, a laptop computer 105 including a wireless modem 106 is operable as a mobile client and communicates with a communication server 110, which in turn is coupled to a user's Post Office host server 115. As described in *Eggleston*, communication server 110 includes a virtual session manager 230 and a query manager 231, and is coupled between a data network 130 and the Post Office host/server 115. See FIGS. 1 and 2. The virtual session manager 230 is provided for establishing and

maintaining a virtual session communication path with the mobile

station 105 and a session-oriented communication path with the

host server 115. As described with respect to FIG. 2, which

shows additional details of an exemplary communication server

220, the query manager 231 is designed to send requests to a mail

server (i.e., Post Office server) to query for unprocessed

messages.

FIG. 3 of *Eggleston* is a particularly relevant flowchart

that illustrates a data transfer process involving a virtual

session connection between the mobile client and the VSM for

forwarding email from the post office server of *Eggleston*. At

column 6, lines 23-57, *Eggleston* describes the initial necessary

steps involved in this process:

> A process by which a VSM manages communications between
> client and host is illustrated in the flow chart
> embodiment of FIG. 3. This process typically begins
> with a user event, such as instantiation (forming) of a
> communications object at the client and sending a
> registration message (steps 301-302). Alternatively,
> the infrastructure could initiate the communications by
> sending a page or the like requesting the client to
> register (for example, when the client has registered
> with the wireless system but not yet requested
> registration with the communications server). In any
> event, once a registration message is received by the
> communications server, it preferably authenticates and
> otherwise qualifies the client, including sending a
> logon/registration message to the host for its
> authentication of the client (steps 303-305). Upon
> successful authentication, the communications server

instantiates a client object (CO) for the communications session including client parameters retrieved from an inactive client parameter store, as modified by the user in his registration or subsequent messages (step 306). These parameters include at a minimum client and host identifiers, but may also include additional preferences based on the type of communications involved. Also, the registration and authentication process can be handled by the VSM or alternatively by another appropriately programmed entity of the communications server. Following instantiation at the server, a response message, e.g., a further registration message, is sent to the client, and an acknowledgment (ACK) returned to the server; both client and server then retain the instantiated objects as fully qualified, and start session timers (steps 307-309). **At this point a virtual session has been established between the client and the VSM, and a regular session established between the VSM and host computer.** If the registration is not successful, then any instantiated object is deleted, with the client returned to an inactive status. (Emphasis added)

Based on the foregoing, it is clear that the mobile client is first required to communicate with the communications server's VSM and engage in a registration/authentication process therewith. Upon successful authentication, a virtual session is established with the mobile client (see steps 302-307) and the communications server, whereupon the query manager 231 is programmed to send query objects at predetermined intervals for each application being run by each active mobile station requesting unprocessed data for that user from the Post Office server. Accordingly, Applicant respectfully submits that

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although at column 2, lines 51-58, *Eggleston* recites "maintaining a sessionless communication path with a first data processing device (e.g., a mobile client)", it should be understood that there is in fact a virtual session that is established for connecting with the communications server whereby a registration/authentication process and subsequent message downloading can take place with the mobile client.

Likewise, although the *AirMobile* Client Guide also discloses the phrase "without maintaining a session", it admits that the architecture of the *Eggleston/AirMobile* communication system involves a mobile client that is actually "connected". See page 30. In particular, the *AirMobile* Client Guide discloses that an authenticated virtual wireless communication channel is established between a mobile client (e.g., a laptop running the client software) and the mail server for downloading messages upon querying.

2. **Applicant's Expert agrees that the *AirMobile* communication system requires a connection with the server.**

Applicant further wishes to bring to the attention of the Examiner the Andrew Seybold Declaration provided by the assignee

of the present patent application in a recently concluded interference between Patent No. 6,219,694 (commonly owned by the assignee of the instant patent application) and Application No. 09/095,325 (the real party in interest being Motorola, Inc.) to support the position that the *Eggleston/AirMobile* requires a connection with the mobile client for forwarding email messages. As the Examiner may be aware, this interference is styled Lazaridis v. Eggleston, Patent Interference 105,700 (Administrative Patent Judges: Jameson Lee, Richard Torczon and Sally C. Medley), whose record may be found at https://acts.uspto.gov/ifiling (by clicking the blue "Interferences" bar to enter the BPAI portal and entering the interference number "105700").

The Seybold Declaration (Substitute Declaration of Andrew M. Seybold, Document No. 196) was filed on June 7, 2010 in the above-referenced interference and was subsequently submitted by Applicant as a Non-Patent Literature reference (NPL #19) in an Information Disclosure Statement in the present patent application on November 2, 2011. At paragraphs 20-24, the Seybold Declaration states the following with respect to the AirMobile client's operation:

20. I witnessed a mobile communications device connecting over the ARDIS wireless data network to a desktop PC.

21. The AirMobile application was running on the mobile communications device as well as on the desktop PC.

22. The mobile communications device connected to the desktop PC over the wireless network using AirMobile. A password was required to make the connection.

23. Once the connection was made, the mobile communications device acted as a remote terminal—that is, whatever was on the desktop PC screen in the way of data, could be accessed and changed by the mobile communications device.

24. A message sender used the mobile communications device to compose and send a message with AirMobile by opening the email client on the desktop PC. The message sender filled in the "to" field, the "subject" field, and the "message" field using the mobile communications device.

It is therefore clear that the AirMobile communication system witnessed by Applicant's expert demonstrates the necessity of establishing a connection with the computer server for the mobile client in order that the messages can be downloaded or forwarded.

3. The *Eggleston/AirMobile* communication system is incapable of continuous redirection of user data items as claimed.

As set forth previously, the *Eggleston/AirMobile* disclosure is directed to an email forwarding scheme over a wireless network using a "server push" model. Notwithstanding the language in *AirMobile* to the effect that the messages are "immediately downloaded when they are received", Applicant respectfully submits that the architecture of the *Eggleston/AirMobile* system is incapable of "causing to continuously redirect the user data items" as claimed by Applicant. Although the *AirMobile* reference uses the term "push" and provides a description including a high-level network environment (see Figure 1-1 on page 9 illustrating the AirMobile wireless communication server and client in a cc:Mail environment) that may be sufficient for a user guide or a marketing brochure, it does not really teach or describe "continuous redirection". Based on the discussion set forth at subsection (1) above, it should be clear that the *Eggleston/AirMobile* system is merely a virtual session based communication system that involves querying of a mail server.

Applicant also wishes to bring to the attention of the Examiner the Karp Declaration provided by the owner of the present patent application in the Interference 105,700,

identified hereinabove, to support the position that the *Eggleston/AirMobile* communication system is inherently incapable of continuously redirecting email messages to a mobile client.

The Karp Declaration (Declaration of Brad Karp, Document No. 274) was filed on June 7, 2010 in the above-referenced interference and was subsequently submitted by Applicant as a Non-Patent Literature reference (NPL #20) in an Information Disclosure Statement in the present patent application on November 2, 2011. At paragraphs 43-45, the Karp Declaration states the following in describing the *Eggleston* architecture:

> 43. Eggleston '899 confirms that once the virtual session has been terminated, "the client will not be notified of outbound data until the client re-registers and is again coupled via the virtual session manager." Ex. 1001 at 7:55-58. This statement further supports that Eggleston '899 only sends messages to a user in response to a request, generated by the query manager, after the mobile client has registered with the VSM and the VSM has logged onto the host system. Messages are not continuously redirected or pushed as recited in Lazaridis's claims, and Eggleston '899 acknowledges that a user will not receive any messages absent an active connection to the VSM and login to the post office.

> 44. Eggleston '899 seeks to reduce costs by timing out a session once a threshold of usage is reached. After reaching the threshold, Eggleston '899 "terminat[es] the current session and prevent[s] further sessions until additional use limit time/charge is authorized." Eggleston Ex. 1001 at 14:34-36. Eggleston '899 therefore ends the session and stops

transmitting data to a user, meaning the user will not receive any new email messages. I do not consider a system that intentionally terminates transmission of messages in this way to be one that "continuously" redirects messages.

45. Accordingly, I conclude that Eggleston '899 does not teach or suggest "continuously redirecting" messages as recited by Lazaridis independent claim 1. More appropriately, Eggleston '899 discloses the type of register-and-login-based querying system that Lazaridis overcame.

With respect to the feature of "continuous redirection", claim 1 of Patent No. 6,219,694 recites as follows:

1. A method of redirecting messages between a host system and a mobile data communication device, comprising the steps of:

configuring one or more redirection events at the host system;

detecting that a redirection event has occurred at the host system and generating a redirection trigger;

receiving messages directed to a first address at the host system from a plurality of message senders;

in response to the redirection trigger, **continuously redirecting** the messages from the host system to the mobile data communication device;

receiving the messages at the mobile data communication device;

generating reply messages at the mobile data communication device to be sent to the plurality of message senders and transmitting the reply messages to the host system;

receiving the reply messages at the host system and configuring address information of the reply messages such that the reply messages use the first address associated with the host system as the

originating address, wherein messages generated at either the host system or the mobile data communication device share the first address; and
transmitting the reply messages from the host system to the plurality of message senders.

Applicant respectfully submits it is essentially the same feature of "continuous redirection" that is also currently recited in pending base claims. Accordingly, the *Eggleston/AirMobile* communication system cannot reasonably be characterized as a communication system that can support continuous redirection of user data items as claimed by Applicant.

At least for the foregoing reasons, Applicant submits that the cumulative teachings of *AirMobile* (including both the Server and Client User Guides) and *Eggleston* fail to teach or suggest all the limitations of base claims 102 and 122 as currently constituted. Reliance on the remaining tertiary reference, i.e., *Murota*, is also of no avail since it fails to cure the cumulative deficiencies of the *AirMobile* and *Eggleston* references.

It is therefore believed that all pending claims of the present patent application as currently constituted are patentably distinguishable over the applied art of record.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference, the present claims and/or Applicant's prior responses, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise, the right to present a showing of secondary considerations in the instant application by way of one or more supplemental submissions under 37 C.F.R. §1.132, or any and all other rights and remedies available under the Patent Statute.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No request for extension of the response period is being made. Accordingly, it is believed no fees are due for the filing of the present response. If any fees are due and/or any overpayments have been made, however, please charge and/or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present embodiments, as now defined by the independent claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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